

DRAFT

A meeting of the New Hampshire Water Well Board was held on August 24, 2006 at 9:00 AM, in rooms 111 & 112, 29 Hazen Drive, Concord, NH, 03302.

Present were: Bart Cushing, Chairman

Rene Pelletier, Secretary

Board members: Jeffrey Tasker, Christopher Covell, Thomas Garside, and David Wunsch

Staff: Rick Schofield and Genevieve Al-Egaily

Chairman Cushing brought the meeting to order at 9:04 AM and introduced the Board and staff members.

**Approval of Minutes**

Upon motion by Mr. Tasker and seconded by Mr. Garside, the Board unanimously voted to accept the Minutes of the June 1, 2006 meeting.

**Previous Complaints**

**Paul Comeau / Comac Pump & Well LLC**

Mr. Schofield reported that Mr. Comeau had requested to speak to the Board about the complaint he had filed against Comac Pump & Well LLC ("Comac"). The Board had taken no action on the complaint pending administrative action by the Department of Environmental Services ("DES"). In response to the complaint, DES alleged that Comac violated the Water Well Code by not sealing the casing to the bedrock. DES issued an Administrative Fine by Consent in the amount of \$500, and Comac consented to pay the fine but accepted no responsibility for the code violation. DES and Comac agreed to accept a Supplemental Environmental Project (SEP) including work for the Alstead Flood Relief Volunteers in lieu of the \$500 payment.

Mr. Wunsch entered the meeting at 9:06 AM.

Chairman Cushing invited Mr. Comeau to the table.

Mr. Comeau informed the Board that he had contacted Comac Pump & Well when he began to have problems with the well and they stated that the well needed to be hydro-fractured. Two days after Downeast Well Drilling hydro-fractured the well and set the pump deeper, the pump failed again. Downeast then video logged the well and found that the casing was not sealed to the bedrock. Comac had also video logged the well and claimed that the problem had occurred when Downeast hydro-fractured the well. A new well was then drilled by Downeast and Mr. Comeau stated that he did not need two wells. However, he had \$9000 invested in the old well and he requested that Comac be held responsible for decommissioning the well and refunding his money.

Mr. Covell entered the meeting at 9:10 AM.

The Membership reviewed the facts and issues associated with the complaint with staff. The Chairman asked each member of the Board for his opinion on the case. Following the discussion,

upon motion by Mr. Covell, and seconded by Mr. Garside, the Board unanimously voted to require Comac Pump & Well to decommission the well and notify the Board and homeowner 48 hours prior to decommissioning the well. Comac would also be required to refund to Mr. Comeau the money paid by the contractor for the construction of the well and all costs incurred to identifying the problem with the well.

The Board noted that Downeast Well Drilling had violated the Water Well Board Rules and requested that DES staff send a Notice of Violation to Downeast Well Drilling regarding the use of wire nuts and proper grounding.

## **Rules**

### **Registration of Employees**

Chairman Cushing reported that Mr. Swain had wished to address the Board about the registration of employees but was unable to attend the meeting and had requested that the discussion be moved to the next meeting.

### **Additional Discussion on Rules**

Mr. Schofield reported that he had completed the previously discussed amendments to the draft copy of the new rules and suggested that the Board consider revising the Dug Wells rules at a future meeting.

The Board suggested additional language changes to We 602.06(h) Standard Practice for the Construction of Wells Drilled in Bedrock dealing with artesian overflow discharge lines and We 604 Abandonment of Wells defining the responsibility for decommissioning a well if failure was a result of improper construction.

The Board also discussed the establishment of a rule that would set a 20-foot minimum casing length to be installed into bedrock and a 10-foot minimum into competent bedrock.

Mr. Pelletier entered the meeting at 10:22 AM.

The Board drafted a new rule requiring that the tank to be sized in accordance with the manufacturers' specifications for the submersible pump assembly.

We 302.04 Minimum Experience Requirement was amended to define one year of experience as 1,600 hours.

## **Licensing**

### **New Applicants**

Mr. Schofield reported that there were new applications for the Board to review.

Mr. Mackey noted that the application submitted by Nick Manosh was incomplete. However, all of the other applications were complete and ready for the Board to review.

Upon motion by Mr. Pelletier and seconded by Mr. Covell, the Board unanimously voted to approve the applications of Andrew Chapman, Thomas Glidden, Adrian Pinney, James Whitney, and Glen Copatch.

Mr. Tasker was recused allowing the Board to consider his application.

Upon motion by Mr. Covell and seconded by Mr. Wunsch, the Board unanimously voted to approve Mr. Tasker's license applications.

Mr. Tasker rejoined the meeting.

Mr. Covell left the meeting.

#### Renewals/Newsletter

Mr. Schofield reported that the new edition of the Water Well News had been mailed and requested comment from the Board on the newsletter.

The Board suggested that the newsletter be printed on the Water Well Board letterhead.

#### Old Business

##### Contractors on Probation

Mr. Schofield reported that seven contractors were currently on probation or had just completed their probationary period. Of the seven, Woodsome Well Drilling Inc. was the only company that was not on probation for noncompliance with the reporting requirements. Three companies Gap Mountain, Furbish Well Drilling, and Roth Artesian Well had just completed their probationary periods. Hartley Industries, Woodsome Well Drilling, Valley Artesian Well Company, and Fowler Well Drilling were still on probation.

The Board requested that Mr. Schofield send a notice to each of the water well contractors at the end of their probation period, stating the Board expectations that they stay current with their reporting.

##### Enforcement Actions

Mr. Schofield updated the Membership on the enforcement actions taken by the Board and DES.

Hartley Industries had been placed on probation for two years for non-reporting and DES proposed a fine of \$6,200. Hartley Industries paid \$1,000 of the fine and DES has spoken with him about a Supplemental Environmental Project (SEP) for the Alstead Relief Fund for the remainder of the fine. He has offered to drill two wells.

Comac Well & Pump was fined \$500 by DES for improperly sealing a casing. Comac has signed a Settlement Agreement and will be credited \$500 for a SEP in Hinsdale.

Judd Goodwin Well Company was fined \$400 for electrical violations by DES, which has been paid.

Wragg Brothers Well Company has tentatively agreed to an Administrative Fine by Consent for \$500 and has requested to receive credit for a SEP in lieu of a payment.

DES is working with Bemis Group, LLC on a revised Administrative Fine by Consent for working without a license, but an agreement has not yet been reached, between the parties. The Board asked Mr. Schofield if Bemis Group was drilling wells. Mr. Schofield responded, that Bemis Group had drilled a well in Stoddard and was actively seeking additional work.

The Board requested that the Membership be allowed to perform a technical review on proposed SEP's prior to DES signing agreements on SEP's as payment of a fine.

### **New Business**

#### **Community Water Systems Utilizing Dug Wells**

Mr. Schofield reported that to reduce the levels of uranium or arsenic in some water supplies, small community water systems are blending the water from bedrock wells with overburden-dug wells. DES would prefer that the blending be done with gravel wells but dug wells are being constructed and there is concern that these wells are being installed by unlicensed contractors. Currently, DES is working with five small community systems to approve wells that will be used for blending. Mr. Schofield suggested that the Board might wish to review the rules regarding dug wells as their use is becoming more common for blending purposes.

The Lakes Region Water Company installed a dug well to service the Deer Run water system. The well was not pre-approved by DES and an inspection by DES staff showed that flat tiles were used instead of the required interlocking tiles so the well does not meet the Water Well Board rules. The system operator Thomas Mason Sr. was told that he could file an appeal with the Board requesting an exemption from the rules. However, this has not been done.

Mr. Schofield also reported that Griggs Enterprises, the water supply company for the Barton Mobile Home Park in East Kingston, installed a Six-Packed well and connected it to the water system. This well was not been pre-approved by DES and, in June 2005, the Board had reviewed the Six-Pack well design and determined that it was not an acceptable design. A well completion report has not been filed and the well may not have been constructed by a licensed well contractor. DES has sent Griggs Enterprises a Letter of Deficiency requiring that the well be removed from the system or an Interim Emergency Approval be obtained while the well is brought into compliance.

#### **Standards for Certificate of Occupancy Seminar**

Mr. Schofield reported that a seminar on the standards for a certificate of occupancy had been held and more than 35 code enforcement officers, town planners, health officers, and others had attended.

#### **Well Tagging**

The Board requested that a letter be sent to the chairperson of the subcommittee for Senate Bill 155 requesting that the Board and the licensed water well contractors be informed of all matters relating to well tagging and to be notified of all meetings being held regarding Senate Bill 155.

#### **Decommissioning Wells**

Mr. Schofield stated that he had received a question from a water well contractor about the acceptability of having a concrete company decommission a well with a mixture of cement and sand.

The Board stated that this would not be an acceptable way to decommission a well.

Program Audit

Mr. Schofield reported that the program had been audited by the Office of Legislative Budget Assistance.

Council for Board

Mr. Schofield informed the Board that Attorney Anthony Blenkinsop had been assigned as the Board's new counsel. Anne Edwards will be working with Attorney Blenkinsop during the transitional period.

Upon motion by Mr. Pelletier and seconded by Mr. Tasker, the Board unanimously voted to adjourn the meeting.